

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

The Burlington Northern and Santa Fe Railway Company, the
Village of Western Springs, the Village of LaGrange, the County
of Cook, and the State of Illinois, Department of Transportation.

Stipulated Agreement regarding improving public safety at the
Gilbert Avenue highway-rail grade crossing of The Burlington
Northern Santa Fe Railway Company's tracks located on the
border line between the Village of Western Springs and the
Village of LaGrange, Cook County, Illinois, designated as
crossing AAR/DOT 079 513V, MP 14.77-A; and the Wolf Road,
Lawn Avenue and Grand Avenue highway-rail grade crossings of
the Burlington Northern Santa Fe Railway Company's tracks all
located in the Village of Western Springs, Cook County, Illinois,
designated as crossings AAR/DOT 079 514C, MP 15.29-A,
AAR/DOT 079 515J, MP 15.39-A and AAR/DOT 079 516R, MP
15.46-A, respectively.

T04-0048

SUPPLEMENTAL ORDER

By the Commission:

On June 9, 2004, the Illinois Commerce Commission ("Commission") entered its Original Order in this matter requiring, among other things, The Burlington Northern and Santa Fe Railway Company, now known as "BNSF Railway Company", ("Company") to perform certain signal upgrades at the Gilbert Avenue highway-rail grade crossing of the Company tracks located between the Village of Western Springs and the Village of LaGrange ("Village"), Cook County; and the Wolf Road, Lawn Avenue and Grand Avenue highway-rail grade crossings of the Company's tracks all located in the Village of Western Springs ("Village"), Cook County, Illinois. All work was to be completed within eighteen (18) months of the Order date, or December 9, 2005.

On October 31, 2005, the Company filed its First Supplemental Petition stating that it diligently progressed with the work after receiving the Commission's Order. Subsequent to the entry of the Commission's Order, the Company was approached by the Villages concerning the possibility of installing pedestrian gates at Gilbert Street. Accommodation of the Villages request resulted in a delay in preparing the final circuitry design and ordering material for the overall project. Additionally, the overall circuitry project required the relocation of Company signal bridges. The signal bridge relocation at/near milepost 15.39 caused some concern to the Village of Western Springs with respect to the location of a new station and platform. The Company developed an alternative plan which served to address the Village's concerns, still meets Company operational need but resulted in more delays to the project. The Company states it has

ordered all necessary materials, has received the signal bungalows completed final engineering design. The Company has also installed the necessary foundations for the signal bridge at milepost 14.5 and completed certain conduit installations at Gilbert Avenue, Wolf Road and Lawn Avenue. The Company states it reasonably feels it can complete the residual work by September 30, 2006. The Company states that any delay in completion of the project has not been caused by inaction by the Company but rather due to the Company's effort to accommodate the additional request and concerns of the Villages. Therefore it requests an extension of time, to and including September 30, 2006, within which to complete the work required by the Original Order.

Staff of the Commission's Rail Safety Section has reviewed the Company's request, and believes it is reasonable and should be approved.

The Commission, having given due consideration to the entire record herein, finds that:

- 1) the Commission has jurisdiction of the parties hereto and the subject matter herein;
- 2) the recitals of fact as set forth in the prefatory portion of this Supplemental Order are true and correct and are hereby adopted as findings of fact;
- 3) the extension of time, to and including September 30, 2006, is fair and reasonable and should be granted, without hearing;
- 4) all other terms and conditions of the previous Orders entered in this case should remain in full force and effect except as herein modified.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the BNSF Railway Company is hereby granted an extension of time, to and including September 30, 2006, within which to perform the work required of it under the original Order in this matter.

IT IS FURTHER ORDERED that all other terms and conditions of the original Order dated June 9, 2004, shall remain in full force and effect except as herein modified.

IT IS FURTHER ORDERED that subject to Sections 18c-2201 and 18c-2206 of the Law, this is a final decision of the Commission subject to Administrative Review Law.

By Order of the Commission this 29th day of November 2005.

JUDGE
SECTION CHIEF <i>mes</i>
ORDERS SUPERVISOR

Chairman